

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

THOMAS DAVIS, III, *et al.*,

Plaintiffs,

vs.

WESTGATE PLANET HOLLYWOOD LAS  
 VEGAS, LLC., *et al.*,

Defendants.

Case No. 2:08-cv-00722-RCJ-PAL

**ORDER**

The court conducted a status hearing on November 16, 2010. Leon Greenberg appeared on behalf of the Plaintiffs, and Myrna Maysonet appeared on behalf of the Defendants. At a hearing conducted November, 2, 2010, counsel for the parties advised the court that both sides needed additional time to complete their expert reports. In reviewing and analyzing documents produced in discovery in this case to calculate the Plaintiffs' potential damages, both experts used the same methodology to calculate Plaintiffs' wage and hour commission claims, and discovered the methodology does not capture all of the needed payroll information. The court directed counsel to have their respective experts meet and confer to arrive at an agreed-upon methodology to correct the deficiencies both sides acknowledge exist, and to discuss whether any additional data or documents are required.

At the November 16, 2010 conference, counsel advised the court that they had conducted a lengthy telephone conference with their experts and a representative of Defendants' human resources department on Monday, November 8, 2010. A number of issues were resolved and/or clarified. On Monday, November 14, 2010, counsel for Defendants provided counsel for Plaintiffs with a detailed description of the remaining issues in an effort to clarify and resolve them. Counsel for Plaintiff will need an opportunity to review and analyze the information provided and discuss it with his expert.


Counsel for Plaintiffs asked for two weeks to review, analyze and discuss the issues with his expert and provide the Defendants with a concrete proposal. Defense counsel requested two weeks to respond. Both sides indicated that, if they were able to resolve the issues concerning the data needed by their experts in the exchanges, that expert reports could be prepared within thirty days.

Having reviewed and considered the matter,

**IT IS ORDERED:**

1. Counsel for Plaintiffs shall have two weeks, or until November 30, 2010, in which to respond to Defendants' letter and make any proposals concerning data needed by his expert to calculate Plaintiffs' damages.
2. Counsel for Defendants shall have two weeks, or until December 14, 2010, in which to respond.
3. The parties shall have thirty days, or until January 13, 2011, from Defendants response in which to serve expert reports as to any issue on which the party bears the burden of proof, unless, for good cause shown, additional time is required because the parties have been unable to resolve issues concerning data needed by their respective experts.
4. The parties shall have thirty days, or until February 12, 2011, in which to serve rebuttal expert reports.
5. Counsel may jointly contact the undersigned's Courtroom Administrator for a dispute resolution conference in the event they are unable to agree on the data needed by their respective experts.

Dated this 18<sup>th</sup> day of November, 2010.

  
Peggy A. Leen  
United States Magistrate Judge